

400 Garden City Plaza, Suite 300
 Garden City, New York 11530
 (516) 742-4343 - Telephone
 (516) 742-4366 - Facsimile
 E-mail: introp@ssmp.com

**SCULLY, SCOTT, MURPHY
 & PRESSER, P.C.**

Fax

RECEIVED
 CENTRAL FAX CENTER

SEP 25 2006

To:	Examiner Ryan J. Severson Art Unit: 3731	From:	Thomas Spinelli, Esq. Registration No.: 39,533
Fax:	571-273-8300	Pages:	13
Phone:	571-272-3142	Date:	September 25, 2006
Re:	USSN: 10/724,814 Our Docket: 16224Z	CC:	

RESPONSE TO RESTRICTION REQUIREMENT AND SPECIES ELECTION AND PRELIMINARY AMENDMENT

The following is being filed with the U.S. Patent and Trademark Office via facsimile on September 25, 2006:

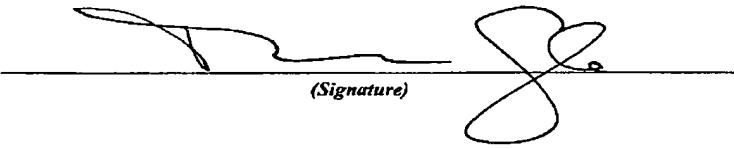
1. Response to Restriction Requirement and Species Election and Preliminary Amendment
2. Transmittal in Duplicate
3. Certificate of Facsimile Transmission

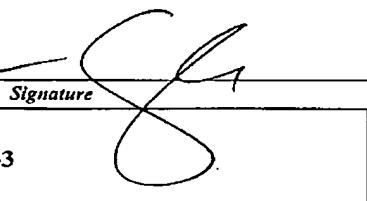
Applicants: Shotaro Takemoto, et al.
 Serial No.: 10/724,814
 For: ENDOSCOPIC SUTURING
 Filed: December 1, 2003
 Docket: 16224Z
 Dated: September 25, 2006
 TS:cm

CONFIDENTIALITY: The documents accompanying this facsimile transmission may contain information which is either confidential or legally privileged and is intended only for the authorized use of the individual or entity named above without right or publication or republication, dissemination or disclosure except as expressly set forth or established by course of dealing. All rights are reserved. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of the contents of this facsimile is prohibited. If you received this transmission in error, please notify us immediately by telephone to arrange for return of the documents.

If you have any problems concerning this facsimile, please call (516) 742-4343 and ask for Christine Mogenis.

BEST AVAILABLE COPY

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)			
Applicant(s): Shotaro Takemoto, et al.			
Application No. 10/724,814	Filing Date December 1, 2003	Examiner Ryan J. Severson	Group Art Unit 3731
Invention: ENDOSCOPIC SUTURING			
Confirmation No.: 5568			
RECEIVED CENTRAL EXAMINER CENTER SEP 25 2006			
<p>RESPONSE TO I hereby certify that this REQUIREMENT AND SPECIES ELECTION AND PRELIMINARY AMENDMENT (Identify type of correspondence) is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>571-273-8300</u>) on <u>September 25, 2006</u> (Date)</p>			
<p>Thomas Spinelli (Typed or Printed Name of Person Signing Certificate)</p>  <p>(Signature)</p>			
<p>Note: Each paper must have its own certificate of mailing.</p>			

AMENDMENT TRANSMITTAL LETTER (Large Entity) Applicant(s): Shotaro Takemoto, et al.				Docket No. 16224Z	
Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/724,814	December 1, 2003	Ryan J. Severson	23389	3731	5568
Invention: ENDOSCOPIC SUTURING					
RECEIVED CENTRAL FAX CENTER					
SEP 25 2006					
<p>Transmitted herewith is an amendment in the above-identified application.</p> <p>The fee has been calculated and is transmitted as shown below.</p>					
CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	8 -	21 =	0	x \$50.00	\$0.00
INDEP. CLAIMS	5 -	11 =	0	x \$200.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00
<p><input checked="" type="checkbox"/> No additional fee is required for amendment.</p> <p><input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____</p> <p><input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 19-1013/SSMP</p> <p><input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16.</p> <p><input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038.</p>					
<p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>					
Signature 					
Dated: September 25, 2006					
<p>Thomas Spinelli Registration No.: 39,533</p>			<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____</p> <p>(Date) _____</p> <p><i>Signature of Person Mailing Correspondence</i></p> <p><i>Typed or Printed Name of Person Mailing Correspondence</i></p>		
CC:					

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)

Applicant(s): Shotaro Takemoto, et al.

Docket No.

16224Z

Application No.

10/724,814

Filing Date

December 1, 2003

Examiner

Ryan J. Severson

Group Art Unit

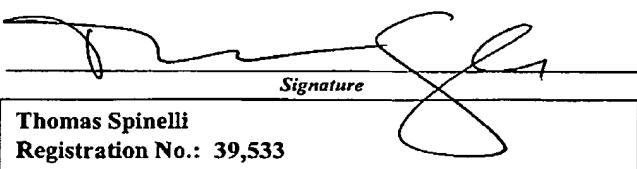
3731

Invention: ENDOSCOPIC SUTURING

Confirmation No.: 5568

RESPONSE TOI hereby certify that this **REQUIREMENT AND SPECIES ELECTION AND PRELIMINARY AMENDMENT***(Identify type of correspondence)*is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. 571-273-8300)on September 25, 2006*(Date)*Thomas Spinelli*(Typed or Printed Name of Person Signing Certificate)*
(Signature)

Note: Each paper must have its own certificate of mailing.

AMENDMENT TRANSMITTAL LETTER (Large Entity)					Docket No. 16224Z	
Applicant(s): Shotaro Takemoto, et al.						
Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.	
10/724,814	December 1, 2003	Ryan J. Severson	23389	3731	5568	
Invention: ENDOSCOPIC SUTURING						
COMMISSIONER FOR PATENTS:						
Transmitted herewith is an amendment in the above-identified application:						
The fee has been calculated and is transmitted as shown below.						
CLAIMS AS AMENDED						
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE	
TOTAL CLAIMS	8 -	21 =	0	x \$50.00	\$0.00	
INDEP. CLAIMS	5 -	11 =	0	x \$200.00	\$0.00	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00	
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00	
<p><input checked="" type="checkbox"/> No additional fee is required for amendment.</p> <p><input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____</p> <p><input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 19-1013/SSMP</p> <p><input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16.</p> <p><input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038.</p>						
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.						
 <i>Signature</i>						
Dated: September 25, 2006						
Thomas Spinelli Registration No.: 39,533						
<div style="border: 1px solid black; padding: 5px; width: fit-content;"> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ _____ <i>(Date)</i> <hr/> <i>Signature of Person Mailing Correspondence</i> <hr/> <i>Typed or Printed Name of Person Mailing Correspondence</i> </div>						
CC:						

RECEIVED
CENTRAL FAX CENTER

SEP 25 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Shotaro Takemoto, et al.	Examiner:	Ryan J. Severson
Serial No:	10/724,814	Art Unit:	3731
Filed:	December 1, 2003	Docket:	16224Z
For:	ENDOSCOPIC SUTURING	Dated:	September 25, 2006
Conf. No.:	5568		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT
AND SPECIES ELECTION AND PRELIMINARY AMENDMENT

Sir:

Pursuant to the election requirement imposed in the Official Action dated September 23, 2006, Applicants elect the claims of Species 21, 22, 34 and 35, i.e., Claim 17 for continued prosecution herein. Furthermore, prior to examination on the merits, please amend the above-identified application as follows:

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to facsimile number 571-273-8300 at the U.S. Patent and Trademark Office on the date shown below.

Dated: September 25, 2006



Thomas Spinelli

g\olympus\1373\16224Z\amend\16224Z.am1